

THE UNIVERSITY OF TENNESSEE  
Health Science Center



2004 FEB 10 PM 2:05

2005 FEB 23 PM 3:32

International Affairs  
62 South Dunlap Street  
Memphis, TN 38163  
Tel: (901) 448-8484  
Fax: (901) 448-7750

February 3, 2004

Commissioner of Social Security  
P.O. Box 17703  
Baltimore, MD 21235-7703

RE: Proposed Rule regarding evidence requirements for assignment of Social Security numbers to foreign academic students in F-1 status.

Dear Commissioner:

On behalf of the University of Tennessee Health Science Center, I am writing to comment on the above-referenced proposed rule, published in the Federal Register on December 16, 2003, requiring F-1 students who do not have an employment authorization document issued by the Department of Homeland Security's Citizenship and Immigration Services to present proof of employment in order to apply for and receive a social security number.

The University of Tennessee Health Science Center was founded in 1911. Its mission is to improve human health through education, research, and public service. The University serves as the educational and research hub of one of the nation's oldest and largest medical centers. The UT Health Science Center employs approximately 4,000 faculty and staff. We have approximately 150 international students in F-1 status at any given time.

We appreciate the opportunity to comment on this proposed change in requirements.

While we understand the Social Security Administration's concern for fraud and support its efforts to protect the integrity and quality of its programs, business practices, and services, we feel that the proposed rule places an unnecessary burden both on F-1 students and their host institutions. It purports to solve a problem that does not exist, and will have serious negative repercussions on the thousands of legitimate F-1 students attending our university and other colleges and universities across this country, as well as on the institutions themselves. We strongly urge the SSA to reconsider this proposed rule for the following reasons:

- **Employment authorization is inherent in the F-1 immigration status**, allowing F-1 students to work on campus at the school, which issued their form I-20 (8

CFR 214.2(f)(9)). Requiring students to obtain a job offer letter prior to application for a social security number will not only make it unlikely these students will ever be hired, it will also require international student advisers to create a job offer verification process for those few students who might be offered a job. Because F-1 on-campus employment is allowed without any special permission or employment authorization document from the Department of Homeland Security, we ask that SSA not place such extraordinary requirements on students and schools, but, rather, continue to allow F-1 students to apply for an SSN using current application procedures.

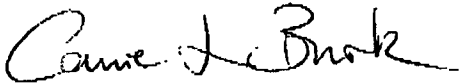
- **The social security number has evolved into a national identification number,** without which it is almost impossible to do business in the United States. Despite SSA's repeated contention that the SSN may only be used for work-related reasons, it is a fact of life in the entire U.S. that, without an SSN, people, including F-1 students, face almost insurmountable obstacles when trying to rent an apartment, open a bank account, establish phone, cell phone and utility services, buy a car, apply for a driver's license, and apply for a job. Indeed, F-1 students applying for a job, whether on campus or off-campus for an internship via F-1 Curricular Practical Training, without already holding an SSN is likely not to result in even an interview, since many employers require the number in order to do a background check on all job applicants. Similarly, landlords and apartment rental agencies, phone and utility services, and car dealerships require an SSN to do a credit check. The proposed rule would be particularly burdensome for those F-1 students who receive taxable-scholarships or stipends, for which no services in return are required. In this case, the school must report the scholarship or stipend to the IRS, and the school requires that the student have an SSN for this purpose. Also, F-1 students are legally required to file a tax return with the IRS, which requires an SSN. It should be noted that F-1 students are not eligible to receive an Individual Tax Identification Number (ITIN) issued by the IRS since they are eligible to receive an SSN by virtue of their legal ability to work in the United States. And because F-1 students cannot open a bank account without an SSN, the money they receive from such scholarships or stipends is not readily accessible to them. It is quite evident that our F-1 students will have to negotiate a seemingly endless maze of Catch-22 situations with no apparent solution. One U.S. government agency, SSA, denies them a social security number, while another U.S. government agency, IRS, requires them to have an SSN and, indeed, considers them eligible for an SSN.
- **Requiring international student advisers at schools such as ours, with many F-1 students, to add job offer verification to our already long list of duties would place an undue burden on us and our schools.** We are already stretched for time with our current SEVIS reporting responsibilities, in addition to our normal advising functions, which existed before SEVIS and have not diminished with its advent. This extra burden is not necessary, because, again, F-1 on-campus employment is inherently permitted in F-1 regulations. And, not only will we have to function as job offer verifiers, we will also have to add time,

which we do not have, to try to assist F-1 students who are unable to negotiate with landlords, banks, driver's license bureaus, et cetera, because they cannot get an SSN.

In conclusion, the proposed rule would deny many legitimate students, who have no fraudulent intent, a necessary identification number and the ability to access future, legal employment opportunities in the United States. We urge SSA to withdraw the proposed rule, and we know that NAFSA: Association of International Educators is ready to discuss with SSA workable measures to ensure the integrity of the SSN without unnecessarily and punitively inconveniencing the many legitimate students who seek a positive experience studying in the United States. We strongly encourage SSA to engage in such discussions.

Thank you for the opportunity to comment.

Sincerely,



Connie L. Burk  
Director, Office of International Affairs